

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

KAMARIO SMITH,

Case No. 2:18-cv-01692-APG-VCF

Plaintiff,

ORDER

V.

JAMES DZURENDÁ et al.,

Defendants.

On September 4, 2018, plaintiff Kamario Smith, then an inmate in the custody of the

¹⁰ Nevada Department of Corrections (NDOC), initiated this prisoner civil rights action under 42

¹¹ U.S.C. § 1983. ECF No. 1. On October 10, 2019, I issued a screening order staying the case to

12 give the parties an opportunity to settle their dispute. ECF No. 3. On November 20, 2019,

¹³ Magistrate Judge Ferenbach issued an order setting the case for an Inmate Early Mediation.

¹⁴ Conference, ECE No. 6. NDOC issued a press release on November 25, 2019, stating that Smith

¹⁵ had passed away that morning. On December 3, 2019, the defendants filed a suggestion of.

16 on the record, ECE No. 7

¹⁷ If a party dies and the claim is not extinguished, the court may order substitution.

¹⁸ proper party. A motion for substitution may be made by any party or by the decedent's

¹⁹ successor or representative. If the motion is not made within 90 days after service of a statement,

³⁰ noting the death, the action by or against the decedent must be dismissed." Fed. R. Civ. P.

³¹ 255 (1). If a notice of substitution is filed within 90 days of the date of filing, the trial court may rule on the motion.

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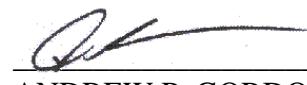
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1 I HEREBY ORDER that the Inmate Early Mediation Conference scheduled for
2 December 20 is vacated.

3 I FURTHER ORDER that I will dismiss this case in 90 days if there is no motion to
4 substitute filed under Federal Rule of Civil Procedure 25(a)(1) before then.

5 I FURTHER ORDER that the application to proceed *in forma pauperis* (**ECF No. 1**) is
6 **denied as moot.**

7 Dated: December 4, 2019.


8 ANDREW P. GORDON
9 UNITED STATES DISTRICT JUDGE
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